

SERVICE DATE – DECEMBER 28, 2005

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-6 (Sub-No. 416X)

BNSF RAILWAY COMPANY–ABANDONMENT
EXEMPTION–IN BOTTINEAU COUNTY, ND

Decided: December 23, 2005

BNSF Railway Company (BNSF) filed a notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments to abandon and discontinue service over a 15.50-mile line of railroad between milepost 52.00, near Souris, and milepost 67.50, near Westhope, in Bottineau County, ND. Notice of the exemption was served and published in the Federal Register on May 25, 2004 (69 FR 29782). The notice stated that, if consummation had not been effected by BNSF’s filing of a notice of consummation by May 25, 2005, and there were no legal or regulatory barriers to consummation, the authority to abandon would automatically expire.¹

Under 49 CFR 1152.29(e)(2), a railroad may, for good cause shown, file a request for an extension of time to file a notice of consummation in abandonment proceedings. On April 20, 2005, BNSF filed a request to extend, until December 31, 2005, the time to consummate the abandonment and to file its notice of consummation. On December 21, 2005, BNSF filed a request to further extend the deadline for filing its notice of consummation until July 1, 2006. According to BNSF, the extension is necessary because winter weather conditions have hampered the ability to conduct salvage activities. BNSF has shown good cause to extend the time to consummate the abandonment and for filing a notice of consummation in this proceeding. Accordingly, the request will be granted.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

¹ By decision served on June 23, 2004, the proceeding was reopened at the request of the Board’s Section of Environmental Analysis (SEA) and the exemption was made subject to several environmental conditions and a section 106 historic preservation condition. By decision served August 4, 2004, one other environmental condition was added. By decision served November 4, 2004, the section 106 condition was removed. The other conditions remain in effect.

It is ordered:

1. BNSF's request for an extension of time to consummate the abandonment is granted.
2. The authority to abandon must be exercised, and the notice of consummation must be filed, on or before July 1, 2006.
3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary